

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

CR-07-126-GF-BMM

Plaintiff,

vs.

DEMETRIUS DMIRAL WARREN,

ORDER

Defendant.

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on May 21, 2020. (Doc. 127.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on May 21, 2020. (Doc. 126.) The United States accused Warren of violating his conditions of supervised

1) by consuming alcohol on two separate occasions; and 2) by committing another crime. (Doc. 123 at 2-3). At the revocation hearing, Warren admitted that he had violated the condition of his supervised release by consuming alcohol on two separate occasions. (Doc. 127.) Warren denied alleged violation 2. The government failed to satisfy its burden of proof with respect to alleged violation 2. Judge Johnston found that Warren's violations warranted revocation, and recommended that Warren should receive a custodial sentence of 5 months, with 29 months supervised release to follow. Judge Johnston recommended Warren undergo any alcohol abuse evaluation recommended by his probation officer. (Doc. 127.)

The violations prove serious and warrant revocation of Warren's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 9127) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Demetrius Dmrial Warren be incarcerated for 5 month, with 29 months of supervised release to follow. The supervised release conditions imposed previously should be continued. Warren should be required to undergo any alcohol abuse evaluation recommended by his

probation officer. Warren should be allowed to self-report at the Cascade County Detention Center at 12:00 noon on June 1, 2020.

DATED this 2nd day of June, 2020.



Brian Morris, Chief District Judge
United States District Court

